

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, and the
STATES OF CALIFORNIA, DELAWARE,
FLORIDA, HAWAII, ILLINOIS, INDIANA,
MASSACHUSETTS, MINNESOTA,
MONTANA, NEVADA, NEW
HAMPSHIRE, NEW JERSEY, NEW
MEXICO, NEW YORK, NORTH
CAROLINA, RHODE ISLAND,
TENNESSEE, VIRGINIA and the
DISTRICT OF COLUMBIA ex rel. JAMES
GLENN,

Plaintiffs,

-against-

CISCO SYSTEMS, INC.,

Defendant.

Index No.: 11-CV-0400(A)

**STIPULATION
OF DISMISSAL**



Plaintiffs the United States and the States of California, Delaware, Florida, Hawaii, Illinois, Indiana, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Rhode Island, Tennessee, the Commonwealths of Massachusetts and Virginia, and the District of Columbia, and Relator James Glenn (the "Relator"), by and through their counsel, hereby submit this Stipulation of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1) and 31 U.S.C. § 3730(b)(1) and similar provisions of the state false claims acts, and stipulate and agree to the following:

WHEREAS, on or about July 22, 2019, United States, Relator, and Defendant entered into a final settlement agreement in *United States et al. ex rel. Glenn v. Cisco Systems, Inc.* No. 11-CV-0400(A) (the "Federal Settlement Agreement");

WHEREAS on or about July 19, 2019, the States of California, Delaware, Florida, Hawaii, Illinois, Indiana, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Tennessee, the Commonwealths of Massachusetts and Virginia, and the District of Columbia (the “Settling State Plaintiffs”), Relator, and Defendant entered into a final settlement agreement in *United States et al. ex rel. Glenn v. Cisco Systems, Inc.*, No. 11-CV-0400(A) (the “State Settlement Agreement” and together with the Federal Settlement Agreement, collectively the “Settlement Agreements”); and

WHEREAS, on or about July 29, 2019, the United States and the Settling State Plaintiffs filed their Notice of Intention to Intervene in *Qui Tam* Case for Purposes of Settlement;

Pursuant to Federal Rule of Civil Procedure 41(a)(1) and 31 U.S.C. § 3730(b)(1) and similar provisions of the state false claims acts, and in accordance with and subject to the terms of the Settlement Agreements, the United States, Plaintiff States, and Relator hereby stipulate to the entry of an order dismissing the above-captioned case as to the Defendant, provided that such dismissal shall be:

- with prejudice as to the United States as to the Covered Conduct described in the Federal Settlement Agreement, and without prejudice to the United States as to conduct other than that described in the Federal Settlement Agreement as Covered Conduct;
- with prejudice as to the Settling State Plaintiffs as to the Covered Conduct described in the State Settlement Agreement, and without prejudice as to the Settling State Plaintiffs as to conduct other than that described in the State Settlement Agreement as Covered Conduct;
- without prejudice as to Montana, New Hampshire, and Rhode Island; and

- with prejudice as to the Relator as to the Covered Conduct and without prejudice as to the Relator as to conduct other than the Covered Conduct described in the Settlement Agreements.

Notwithstanding the foregoing, this Court shall maintain jurisdiction for the limited purpose of enforcing the Federal Settlement Agreement and the State Settlement Agreement, except as to the State of Florida, and will maintain jurisdiction over the Relator's claims for attorney's fees, expenses and costs, which have expressly been reserved.

FINALLY, the United States hereby requests that the Court unseal the relator's complaint, the Stipulation of Dismissal and Order as well as the Notice of Intervention. The United States further requests that all other docket entries remain under seal.

The Parties respectfully request that the Court enter an order in the form attached.

Dated: July 29, 2019
Buffalo, New York

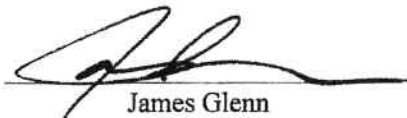
Respectfully submitted,

JAMES P. KENNEDY, JR.
United States Attorney, Western District of New
York

By: 
Richard Resnick, Esq.

Assistant U.S. Attorney
Office of the U.S. Attorney for the Western District
of New York
138 Delaware Avenue
Buffalo, NY 14202

Dated: 7-19-19


James Glenn

Dated: 7.19.19

PHILLIPS & COHEN LLP

By: 

Claire Sylvia, Esq

100 The Embarcadero, Suite 300
San Francisco, CA 94105
Tel.: (415) 836-9000
Email: csylvia@phillipsandcohen.com

Attorneys for Relator

STATE OF CALIFORNIA

Dated: _____

July 19, 2019

XAVIER BECERRA, Attorney General
of California

By: _____



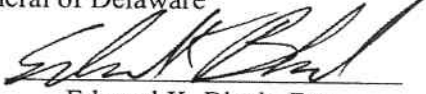
David Eligator, Esq.

Deputy Attorney General
California Department of Justice
455 Golden Gate Ave, Suite 11000
San Francisco, CA 94102
Tel.: (415) 510-3445
Email: David.Eligator@doj.ca.gov

STATE OF DELAWARE

Dated: 07/19/19

KATHLEEN JENNINGS, Attorney
General of Delaware

By: 
Edward K. Black, Esq.

Deputy Attorney General
Delaware Department of Justice
820 North French Street
Wilmington, Delaware 19801
Tel.: (302) 577-4209
Email: edward.black@state.de.us

STATE OF FLORIDA

Dated: 7-19-19

ASHLEY MOODY, Attorney General of
Florida

By: Russell S. Kent
Russell S. Kent, Esq.

Special Counsel for Litigation
The Capitol, PL-01
Tallahassee, FL 32399-1050
Tel.: (850) 414-3854
Email: russell.kent@myfloridalegal.com

STATE OF HAWAII

CLARE E. CONNORS, Attorney General
of Hawaii

Dated: 18 July 2019

By: Mana Moriarty
Mana Moriarty, Esq.

Deputy Attorney General
Commerce & Economic Development
Division
Dep't of the Attorney General
State of Hawaii
425 Queen Street
Honolulu, HI 96813
Tel.: (808) 587-2952
Email: mana.moriarty@hawaii.gov

STATE OF ILLINOIS

Dated: July 19, 2019

KWAME RAOUL, Attorney General of
Illinois

By: 

Harpreet K. Khera, Esq.

Deputy Bureau Chief
Special Litigation Bureau
Office of the Illinois Attorney General
100 W. Randolph St., 11th Floor
Chicago, IL 60601
Tel.: (312) 814-3553
Email: hkhera@atg.state.il.us

STATE OF INDIANA

Dated: 7/19/19

CURTIS HILL, Attorney General of
Indiana

By: KSE
Kelly S. Earls, Esq.

Deputy Attorney General
Administrative and Regulatory
Enforcement Litigation Section
Office of Attorney General Curtis Hill
302 West Washington Street
IGCS-5th Floor
Indianapolis, IN 46204
Tel.: (317) 234-4464
Kelly.Earls@atg.in.gov

STATE OF MINNESOTA

Dated: July 19, 2019

KEITH ELLISON, Attorney General of
Minnesota

By: Jacob Campion
Jacob Campion, Esq.

Assistant Attorney General
Minnesota Attorney General's Office
Solicitor General's Division
1100 Bremer Tower
445 Minnesota St.
St. Paul, MN 55101
Tel.: (651) 757-1459
Email: Jacob.Campion@ag.state.mn.us

STATE OF MONTANA

TIMOTHY C. FOX, Attorney General of
Montana

Dated: 7/29/19

By: Anne W. Yates
Anne W. Yates, Esq.

Assistant Attorney General
Department of Justice
Office of Consumer Protection
P.O. Box 200151
Helena, Montana 59620-0151
Tel.: (406) 444-0089
Email: AnneYates@mt.gov

STATE OF NEVADA

AARON D. FORD, Attorney General of
Nevada

Dated: 18 JUL 19

By: 

Bryan L. Stockton, Esq.

Senior Deputy Attorney General
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
Tel.: (775) 684-1228
Fax: (775) 684-1108
Email: bstockton@ag.nv.gov

STATE OF NEW HAMPSHIRE

Dated: _____

7/29/2019

GORDON MACDONALD, Attorney
General of New Hampshire

By: _____

James T. Boffetti
James T. Boffetti, Esq.

Associate Attorney General
Department of Justice
33 Capitol Street
Concord, New Hampshire 03301
Tel.: (603) 271-0302
Email: james.boffetti@doj.nh.gov

STATE OF NEW JERSEY

GURBIR S. GREWAL, Attorney General
of New Jersey

Dated: July 19, 2019

By:

Evan A. Showell
Evan A. Showell, Esq.

Deputy Attorney General
New Jersey Division of Law
124 Halsey Street, Fifth Floor
Newark, NJ 07101
Tel.: (973) 648-2748
Email: evan.showell@law.njoag.gov

STATE OF NEW MEXICO

Dated: 7/19/19

HECTOR BALDERAS, Attorney General
of New Mexico

By: 
Angelica Anaya Allen, Esq.

Assistant Attorney General
Attorney General's Office
201 Third Street NW, Suite 300
Santa Fe, NM 87102
Tel.: (505) 717-3570
Email: aanaya@nmag.gov

STATE OF NEW YORK

LETITIA JAMES, Attorney General of
New York

Dated: July 26, 2019

By: 
Thomas Teige Carroll, Esq.

Bureau Chief, Taxpayer Protection
Office of the New York
State Attorney General
28 Liberty Street, 21st Floor
New York, NY 10005
Tel.: (212) 416-6012
Email: thomas.carroll@ag.ny.gov

STATE OF NORTH CAROLINA

Dated: 7/22/19

JOSHUA H. STEIN, Attorney General of
North Carolina

By: Jessica V. Sutton
Jessica Sutton, Esq.

Assistant Attorney General
Financial Fraud Section
Consumer Protection Division
114 W. Edenton Street
Raleigh, NC 27603
Tel.: (919) 716-0998
Email: jsutton2@ncdoj.gov

STATE OF RHODE ISLAND

PETER F. NERONHA, Attorney General
of Rhode Island

Dated: July 29, 2019

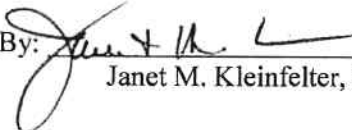
By: Brenda Baum
Brenda Baum, Esq.

Assistant Attorney General
R.I. Department of the Attorney General
150 South Main Street
Providence, RI 02903
Tel: (401) 274-4400 ext 2294
Email: bbaum@riag.ri.gov

STATE OF TENNESSEE

Dated: July 18, 2019

HERBERT H. SLATERY III, Attorney
General of Tennessee

By: 
Janet M. Kleinfelter, Esq.

Deputy Attorney General
Public Interest Division
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, TN 37202
(615) 741-7403
Email: Janet.kleinfelter@ag.tn.gov

COMMONWEALTH OF MASSACHUSETTS

MAURA T. HEALEY, Attorney General
of Massachusetts

Dated: 7-19-19

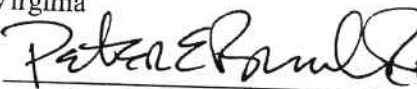
By: Cassandra H. Arriaza
Cassandra H. Arriaza, Esq.

Assistant Attorney General
False Claims Division
Office of the Attorney General
Central Massachusetts Division
10 Mechanic Street, Suite 301
Worcester, MA 01608
Tel: (774) 214-4415
Fax: (508) 795-1991
Email: Cassandra.Arriaza@mass.gov

COMMONWEALTH OF VIRGINIA

Dated: 7/19/19

MARK R. HERRING, Attorney General
of Virginia

By: 
Peter E. Broadbent, Esq.

Assistant Attorney General
Office of the Attorney General
Post Office Box 610
Richmond, Virginia 23218
(804) 786-6055 Office
Email: PBroadbent@oag.state.va.us

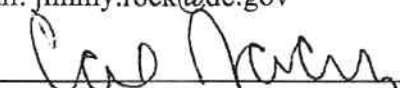
THE DISTRICT OF COLUMBIA

KARL A. RACINE, Attorney General for
the District of Columbia

Dated: July 23, 2019

By: 
Jimmy R. Rock, Esq.

Acting Deputy Attorney General
Public Advocacy Division
441 Fourth Street, N.W., Suite 630 South
Washington, DC 20001
Tel.: (202) 741-0770
Email: jimmy.rock@dc.gov

By: 
Catherine A. Jackson, Esq.

Section Chief
Public Integrity Section
441 Fourth Street, N.W., Suite 630 South
Washington, DC 20001
Tel.: (202) 442-9864
Email: catherine.jackson@dc.gov

By: 
Jane Drummey, Esq.

Assistant Attorney General
Public Advocacy Division
441 Fourth Street, N.W., Suite 630 South
Washington, DC 20001
Tel.: (202) 727-2658
Email: jane.drummey@dc.gov